

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 98001**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-033-98**

**DOCUMENTS INCLUDED IN THIS FILE:**

**YES SECRETARY OF STATE FILING FORM**

**YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**YES AS FILED AND CODIFIED BY LCB**

Secretary of State  
Filing Data

For Filing Administrative  
Regulations

For Emergency  
Regulations Only

Effective Date \_\_\_\_\_

Expiration Date \_\_\_\_\_

\_\_\_\_\_  
Governor's Signature

### State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [xx] Temporary [ ] Emergency [ ]

**Brief description of action:** **Petition 98001 (LCB File No. R-033-98)** is a permanent regulation amending NAC 445B.590 to require that a waiver from the provisions of NAC 445B.596, the vehicle emission inspection and maintenance program, be increased from \$ 100 for self repair and \$ 200 for shop repair to \$ 450. In addition the receipt for parts and services to be eligible for the wavier must be from an authorized station. The provision to credit waiver expenditures for owner self repair of a vehicle is proposed to be repealed. The amendments are required by the U.S. Environmental Protection Agency to be in effect by 1998 for the enhanced Inspection and Maintenance emission test program. This amendment affects only the Clark county vehicle emission inspection and maintenance program.

**Authority citation other than 233B:** NRS 445B.210, 445B.760 and 445B.770

**Notice date:** February 23, 1998, March 11, 1998; and March 18, 1998

**Hearing date:** March 25, 1998

**Date of Adoption of Agency:** March 25, 1998

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED  
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
PETITION 98001 (LCB R-033-98)**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This regulation deals with the waiver amount for the vehicle emission program.

**1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

**Petition 98001 (LCB R-033-98)**, was noticed three (3) times: February 23, 1998, March 11, 1998 and March 18, 1998 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. The two regulatory workshops were publicly noticed and a mailing sent to interested persons. The workshops were held on February 24, 1998 in Reno and February 26, 1998 in Las Vegas, Nevada. A total of six persons attended the workshops. The public was mailed the public notice through the Environmental Commission's mailing list. At the hearing of March 25, 1998 of the Nevada Environmental Commission testimony was received from the Nevada Gasoline Retailers association. They were supportive of the proposal as presented. The Clark County Commissioners presented a written (Exhibit #3) supportive of the proposed regulation. A representative from the Clark County Health District and the Clark County Comprehensive Planning Department testified in support of the regulation change. The Washoe County Health Department, Air Quality Management Division, (Exhibit #4) requested that the wavier requirement not be modified for Washoe county since the need for the program were not as stringent as those in Clark County. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**2. The number persons who:**

- |     |   |    |
|-----|---|----|
| (a) | Attended each hearing;                    | 27 |
| (b) | Testified at each hearing:                | 7  |
| (c) | Submitted to the agency written comments: | 2  |

**3. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates and locations of workshops and notices. No testimony or written comments were received from affected businesses. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted by the State Environmental Commission on March 25, 1998 with major amendments regarding exclusion of Washoe county from the wavier increase.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

The proposed regulation is not expected to have an adverse economic impact to the regulated public fleet owners. Authorized Stations will realize an increase of revenue estimated at \$ 292,250 annually in Clark county. Vehicle owners that do not pass the established emission standards will be required to spend an additional \$ 250 to \$ 350 in vehicle repairs in order to receive a waiver from the vehicle emission standards. Based upon the issuance of approximately 835 waivers in the preceding year in Clark county, those vehicle owners will realize a total increase in expenditures of approximately \$ 292,250 annually. The regulation will result in reduced carbon monoxide emissions in the urban nonattainment areas.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There will be no increased cost to the Division of Environmental Protection for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulation (NAC 445B.590) does not duplicate or overlap any other state or local requirements.

**8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

This wavier amendment requires an expenditure of no more than \$ 450 from auto emissions standards. It is required by the U.S. Environmental Protection Agency in 40 C.F.R. Part 51.360. The requirement to have such repairs **conducted at an authorized maintenance station** is more stringent than federal requirements. Repairs conducted at authorized maintenance stations, where trained and certified emission repair specialists are employed will ensure that the consumer is protected and that repairs are effective.

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

There will be no additional fees, nor will there be an increase in fees associated with this regulation.

**END OF FILING STATEMENT FOR 98001 (LCB R-033-98)**

# ADOPTED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R033-98

Explanation: Matter in **italics** is new. Matter in [ ] is material to be omitted.

AUTHORITY: §1, NRS 445B.210, 445B.760 and 445B.770

**Section 1.** NAC 445B.590 is hereby amended to read as follows:

445B.590 1. Only the department may grant a waiver from the standards for emissions as set forth in subsection 3 of NAC 445B.576 or in NAC 445B.596.

2. **[Except as otherwise provided in this subsection, an]** *An* application for a waiver **[for a motor vehicle powered by gasoline]** from the provisions of NAC 445B.596 *for a motor vehicle powered by gasoline that is subject to an inspection pursuant to:*

*(a) NAC 445B.594* must include receipts **[or other evidence]** *from an authorized station* that at least \$200 has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions. If the vehicle is repaired by the owner, the application must include receipts or other evidence that at least **[\$100]** *\$200* has been spent on parts other than a catalytic converter, fuel inlet restricter or air injection system purchased within 14 calendar days after the initial emissions test. No allowance will be permitted for labor on vehicles repaired by the owner.

*(b) NAC 445B.593* must include receipts *from an authorized station that at least \$450 has been spend on parts other than a catalytic converter, fuel inlet restricter or air injection system or on labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.*

3. Except as otherwise provided in subsection 4, an application for a waiver for a light-duty motor vehicle powered by a diesel engine from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$750 has been spent on:

(1) Parts other than required emission control equipment; or

(2) Labor other than emission testing if the repairs evidenced by the receipt were directly related to the deficiency in emissions.

Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

4. If the owner of a light-duty motor vehicle powered by a diesel engine repairs the vehicle, an application for a waiver from the provisions of subsection 3 of NAC 445B.576 must include:

(a) A copy of the original certificate indicating that the vehicle failed to comply with the

provisions of subsection 3 of NAC 445B.576; and

(b) Receipts or other evidence that at least \$500 has been spent on parts other than required emission control equipment. No allowance will be permitted for labor on a vehicle repaired by the owner.

Receipts must be dated within 14 calendar days after the date of issuance of the certificate indicating that the vehicle failed to comply with subsection 3 of NAC 445B.576.

5. The department will deny an application for a waiver if the parts have not been installed or the repairs performed as indicated on the receipts presented to the department.

6. The department will allow registration of the vehicle if:

(a) The provisions of NAC 445B.582 have been complied with; and

(b) The department finds after inspection that additional costs exceeding the minimum established in this section are needed to bring the vehicle into compliance.

7. A vehicle which qualifies for repairs under a warranty is not eligible for a waiver.

8. A waiver permits the registration of the vehicle.

End of LCB File No. R033-98